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# THE DANGER POINT IN AMERICAN POLITICS.

BY JOHN E. MILHOLLAND.

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POLITICAL reform is no longer a subject for ridicule. Through that stage of existence it has successfully passed. Only the dullest leaders fail to realize this fact. Even among those who look upon public offices as the prey of the victorious party, and to whom moral considerations seem out of place in caucuses or campaigns, there is a gradual awakening to the truth that to sneer at any of the various phases of this great popular movement is to appeal to an extremely narrow constituency and one that is constantly growing smaller in numbers and weaker in influence. Convinced at last that the low level of our political activity actually menaced the Republic, the people of this country, with characteristic courage, energy, and practical sagacity, have grappled with the perplexing problem, and to-day it is in the process of satisfactory solution. Ample justification for these statements will appear from even a cursory review of what has been done within the last few years to demonstrate that the purification of American politics is not, as the discouraged Kansas reformer rashly concluded, "an iridescent dream."

The retirement of the Republican party from control in the national administration a dozen years ago may be taken as a convenient starting point. Then the civil service law was scarcely more than an experiment. Nearly all the offices were outside the classified lists. Opposition to its further extension was so formidable that even President Cleveland was unable to resist the pressure brought to bear upon him by such powerful advocates of the spoils system as Mr. Gorman, and the Maryland Senator in this fairly typified the attitude of most politicians toward the reform. The practical leaders on both sides felt safe in denouncing it.

Still the movement went forward. President Harrison, one of the most practical politicians since Lincoln, came into office without any pretensions to superiority; and yet, before the expiration of his term, he rendered the cause more service than any of his predecessors, not excepting Mr. Arthur, another spoils politician, whose final convictions on the subject led to expressions of practical sympathy that should not be overlooked. The appointment of Mr. Roosevelt came at a critical period and was a powerful stimulus in the right direction. During his retirement Mr. Cleveland's ideas changed on many things, including civil service. In his message to Congress just before his defeat in 1888, he had not the courage to say one word on the subject. For this he has made the *amende honorable*. Since his return to the White House he has more than fulfilled the requirements of the most exacting advocate of the merit system. Under him the law has been extended beyond all expectation. Less than eight hundred exempted positions remain to trouble the peace of the President-elect.

While such amazing progress cannot be recorded in all the States and large cities, yet a commonwealth or municipality that is not included in the ever-widening scope of this reform is exceptional. Through the efforts of Mr. Joseph H. Choate, as presiding officer of the late Constitutional Convention, it is now part of the organic law of New York State.

Not less impressive are the results of the crusade for better election laws. In no political field can the purist find greater encouragement, not even the government service. The secrecy of the ballot has been secured in a greater or less degree of perfection in almost every State and Territory. Fraud and corruption have been eliminated from the work of election day to an extent that would have evoked endless derision had it been predicted ten years ago. But new developments, however startling, are taken as a matter of course in these days, and things over forty-eight hours old are forgotten. It is really necessary, therefore, for the proper appreciation of what has been gained on this line, to recall some of the conditions that prevailed in former days. And it is not necessary to go far back for the purpose of antithesis.

The enormous frauds perpetrated upon the ballot box by Tweed to elect a Governor of New York in 1868 are

usually referred to as the acme of political evil-doing. This is a mistake. Tweed's efforts, though effective, were clumsy and transparent; and, in comparison with those undertaken by his successors, lacked system and comprehensiveness. He did not seek to go beyond the State; for the most part his efforts were confined to the metropolis. But since his day Tammany has been a deciding factor in at least one national contest. No politician familiar with the facts doubts that John Kelly's indulgence in the bad work which had become habitual with Tammany, and the supplemental efforts of other Democratic leaders throughout the large cities of the State, defeated Mr. Blaine for the Presidency in 1884. We are in a state of righteous indignation at present over the shameful work in Tennessee and Virginia on the last election day; yet less than four years ago as outrageous things were done right in New York City.

Previous to the adoption of the Australian ballot system here, the most conservative estimate of Tammany's fraudulent vote was from twenty to thirty per cent. In the downtown and waterfront districts the Republican vote was as relentlessly and defiantly suppressed as it still is in Mississippi and Louisiana. In some election districts not one Republican vote would appear in the returns. So reckless did the violators of the law become at last that even the ballots of the Republican election inspectors were omitted from the sworn returns sent to police headquarters.

A comparison of the returns from the Eighth Congressional District, now represented by Mr. J. Murray Mitchell, which covers a part of the section of the city alluded to, illustrates these remarks. In 1892 the Republican vote was 7,132; the Democratic vote, 15,287. Two years afterward, with even an imperfectly amended law, the Republican vote was increased to 9,099 and the Democratic vote cut to 9,466. Last fall the Republican vote ran up to 10,488, while the Democratic vote was kept down to 9,219. In other words, the normal Democratic vote of the district, as shown by two Congressional elections, is a little more than 9,000. Consequently the fraudulent vote cast under the old methods was about 6,000, or 40 per cent. of the total Democratic vote. This is only a fair conclusion, and yet what a vista of fraud it opens up! And the vista becomes wider still when the returns from all the districts are considered.

Another important result attending the operations of the new law is the curtailment of the use of money on Election Day. The evil has not been wholly eradicated. It is still possible to hire dishonest voters to stay away from the polls. But this device has never been popular, nor, excepting in the Fassett-Flower contest of 1891, has it been widely applied. Vote-buying on Election Day, either outright or in the form of "manning" the polls, was the established order of things. The amount of money expended by all parties was enormous. Twenty-five dollars was the usual amount allotted to each election district—there are nearly fifteen hundred of these in this city now—for this purpose by the Republicans on Election Day. This sum, however, was frequently doubled, trebled, and quadrupled. In a closely-contested fight Tammany would frequently raise the limit to two hundred and fifty dollars, but even that figure never dismayed the late John J. O'Brien when he was in control of the local politics of the Republican party. He has frequently been known to spend six hundred and seven hundred dollars in carrying election districts down-town, paying as high as twenty-five dollars for single votes, the usual price being from two to five dollars.

All this has been changed. Money can no longer be used for corrupt purposes on election day with any certainty that it will produce the desired effect. A few workers are still employed here and there, but merely for the purpose of getting them to register and vote. Every sensible person knows that the efforts of the past are now practically futile. It is useless to buy a man's vote when there is no guarantee possible that he will keep any agreement he may make. The hundred-and-fifty-foot limit of the law is not always regarded, but no worker can enter the voting booth or come within the polling place. And since even his own vote cannot be depended upon absolutely, what is the use of hiring him? It is not surprising, therefore, that less money was improperly spent on last election day than ever before in this generation. While a larger amount was raised and expended by the Republican National Committee in the late campaign than in any previous one, yet no presidential contest since the organization of the party compares with Mr. McKinley's campaign in point of cleanliness. The vast sums of money used went for speakers, literature, and other legitimate purposes. It was

the greatest campaign of education ever conducted. It was an honest, intelligent fight for the supremacy of right ideas, and those who refer to it as a "boodle" canvass speak from an imperfect knowledge of facts. Does it not seem incredible that a change could have been wrought within three years making dishonest elections impossible in New York, and anywhere else in the country outside of the Black Belt of the South?

There is an old adage in the Scotch Highlands, that we change faults instead of ridding ourselves of them. This is as true of political parties and nations as of individuals. However agreeable and encouraging it is to record the amazing progress that has been made towards higher moral standards in politics, it must be frankly confessed that the evils of the past have been transferred rather than discarded utterly. The civil service law has revolutionized the public departments and raised them immeasurably above the old plane; but it has also been used to protect in office incompetent and unworthy persons, and to create a certain bureaucratic class which, with its inner rings, secret combinations, and unsavory methods, inspires much of the antagonism to the reform itself. Almost every branch of the federal service is open to this criticism, and Tammany Hall to-day is maintained and supported almost entirely by its followers who are kept in office by an unwise and untimely extension of this law. This assertion may grate with all the unpleasantness of truth, but no intelligent believer in a thorough application of this reform who has examined the matter will hesitate to say that the new law is prejudiced by just such unfortunate misapplications.

While unfortunate, this is not fatal or even ultimately serious; it will be remedied by the natural development of the system and it requires only a passing allusion. The gravest abuses of the civil service are, after all, trifling in comparison with the evils that still flourish in connection with the other branch of the reform under consideration—elections. The general law on this subject has been successfully dealt with, but much of the evil formerly incidental to Election Day has been transmitted to the primaries. The vicious practices no longer possible at the polls are now employed in the caucus and in the nominating convention with an energy unparalleled in the past, although everything undertaken, no matter how villainous, is carried on in a manner entirely in keeping with modern methods.

Orderly procedure, to use a convenient term, is constantly aimed at. Isaiah Rynders, who, with his murderous gangs, broke up caucuses in the interests of Fernando Wood, and was rewarded for his work with a United States Marshalship by President Buchanan, does not find many imitators. Such work as his would now be impossible. His political descendants proceed more craftily but more effectively, though in reality they are no less flagrant in the violation of morals and of law. The party caucus or primary is to-day the danger point in American politics. The fountain head of power, it has become the fountain head of corruption. From it flow the evil influences that make unworthy nominations habitual, the machine possible, and bossism inevitable.

This evil, though long standing, has not been entirely neglected. On the contrary, much thoughtful consideration has been given to it. The efforts put forth in the large cities of the country to abolish it form an interesting chapter of modern political history. For twenty years or more the reputable Republicans and Democrats of New York have been striving to solve the problem. The measures that have been devised in furtherance of their purpose are numerous and varied. On the Democratic side the usual method has been to form organizations rivalling Tammany Hall, which has been, except at infrequently recurring intervals, the dominant organization of New York Democracy since the days of Aaron Burr. Perhaps the most significant was the revolt of Messrs. Whitney, Power, Hewitt, and other leading Democrats in 1880, which resulted in the formation of the County Democracy with a distinct plan of organization. It represented a serious attempt to get closer to the people than was deemed possible under the Assembly district system, which up to that time had been as a rule regularly employed by all parties. Instead of the Assembly district the County Democracy decided upon the Election district or voting precinct as their unit of organization and formed hundreds of these local associations throughout the city. Theoretically this was feasible; in actual practice it proved a lamentable failure, which was repeated in a subsequent test by the Republicans. In Brooklyn, Philadelphia, and other cities where the same experiment was tried the results were more satisfactory, but since it failed anywhere it cannot be considered a perfect plan. The strength of the chain is its

weakest link. To be satisfactory and safe a plan of organization must be capable of application to as vast and cosmopolitan a population as that of New York City or Chicago. Experience demonstrated that it was impossible to maintain interest in such small political centers and the district associations quickly passed into the control of a few lieutenants of the Assembly district bosses.

A few years after the County Democracy experiment the Republicans of New York attempted to set their local household in order. The disastrous result of the Presidential campaign of 1884 left things in a demoralized condition. A Committee of eighteen prominent members of the party was appointed by the State Committee to perform the task. Mr. Edward Mitchell, afterwards United States District Attorney, was selected as Chairman. The essential feature of the plan which they reported was a new enrolment conducted under boards of registry selected by the eighteen. The enrolment thus made was to hold only for one year; an annual repetition of it had to precede the formation of each new central committee to whom was entrusted the direction of the party's affairs. Like the County Democracy's plan, it seemed certain to bring about improvement in the nominating conventions, but its failure was evident within twelve months after adoption. The first enrolment under it was large and tolerably satisfactory; the second year it fell off, in some districts, two-thirds, so that difficulty was found in securing a quorum for the meetings. Thereupon it was decided to let the first year's enrolment stand and to add to it year by year. This was simply a reversion to the old ways. The district organizations dwindled in membership until they became again the pocket boroughs of the district leaders, the enrolment books their personal property. No one was allowed to become a member who would be likely to dispute authority or to stand in the way of a political deal with the other side. Revolts come to naught because the County Committee, composed as it was and is of these district leaders, is bound as a matter of self-protection to decide against every rebel to its authority. The County Democracy finally sank to Tammany's level, and united fortunes with the Wigwam; the Republican organization was content for years to be a mere Tammany annex. Its chief duty was to prevent a successful issue of honest non-partisan uprisings against



**Tammany misgovernment.** This it performed usually by refusing, for fictitious reasons, to nominate men who had the confidence of the people and could be elected. It accepted instead a ticket practically dictated by the Tammany leaders. Of course a great party could not be trifled with in this way forever. The crisis was precipitated in 1893, when, in the face of a great Republican victory throughout the State, Tammany rolled up a larger vote than ever in this city, demonstrating beyond question the treacherous character of the Republican machine.

A reformation was immediately demanded on all sides. Two attempts were made, one through what was known as the anti-machine movement, the other through the Committee of Thirty. The anti-machine people, profiting by the example of the County Democracy on one point, insisted upon an entirely new organization. Their plan combined the best features of the Assembly district and the Election district systems. Unfortunately this movement was prejudiced in the minds of many people, owing to the pretended support of it by the leader of the Republican machine. It was commended, but not officially endorsed, by the State Committee which he controlled. It has remained a protesting power in the Republican politics of the city and State.

No less than eight months was spent by the Committee of Thirty in perfecting their plan of organization, which was essentially the same as that devised by the County Democracy, except in one important point—they declined to throw the old district bosses overboard. Instead they were actually entrusted to carry out the plan, which, if honestly executed, would, presumably, have made an end of the old machine. Subsequent events prove that none of them had attained political Nirvana nor reached the high line of self-abnegation. When the enrolment was held the old leaders, aided by their faithful ally, Tammany Hall, made it to suit themselves. Their resumption of control was complete. They threw the reformers overboard and stepped forward more strongly entrenched than ever. The experience of the Committee of Eighteen was repeated, except that the last stage of the old organization is the worst in history.

In confirmation of this statement it is only necessary to refer to the results of the investigations made a year ago by the Committee of Twenty-five, of which Mr. Cornelius N. Bliss was chairman. That committee was composed of leading citizens.

Many of them had been identified with the Committee of Thirty, but they did not hesitate to expose the deplorable workings of their own plan of organization. It was indisputably shown that the local enrolment was from fifteen to forty-five per cent. bogus; that the organization was utterly fraudulent, and, in the opinion of the best constitutional lawyers in the country, without any legal status whatever. If the results of this evil-doing had been confined entirely to New York, they might not have seemed so serious. The aim, however, was not local, but national. In these frauds was laid the foundation for control of the State at a time when the State was expected to be a determining factor in a national Republican convention.

It is a sad confession to make, that after all the efforts expended to purify the primaries here, in Chicago, and in most of the large cities of the country, they are to-day more dangerously corrupt than ever before in history. Mr. William Brookfield, who has been repeatedly Chairman of the Republican State, and also of the Republican County, Committee, expresses an absolute conviction when he declares that New York politics were never upon such a low level as to-day. There is really no limit to the rascality. It is as bold as any in which Tammany ever engaged at the general elections. Nor is there any relief in the courts. Primaries and nominating conventions are practically without the pale of the law. There are several legal requirements in reference to them, and there are certain penalties under the penal code for their violation; but, substantially, party organizations are a law unto themselves. Their constitutions and by-laws are considered the law of the State and so construed whenever factional contests come up for judicial review. This has been repeatedly demonstrated. Attempts to right primary wrongs by such appeals are barren of results; not because of any lack of sympathy on the part of the judges, but because they recognize that the laws of the State do not cover party work beyond the general elections.

Why this vitally important department of political action should be left practically to mob rule, with an occasional spasmodic outburst of indignant corrective effort, is one of the oddities of our national existence. Good citizens are vehemently urged to attend the primaries, but they do not heed the appeal, and it must be confessed that they show much practical sense in

not doing so. It is not from a lack of courage, for there are thousands and thousands of citizens who would be willing to put up with the disorderly scrambles incidental to this practical work if their vote was going to be effectual. But they do not like to waste time and energy in a futile striving after that which would be denied them even if they earned it fairly.

This leads to a consideration of the remedy. There is one, and only one, and the sooner it is applied the better. It is simple, complete, effective, and the only wonder is that it has not passed into general practice long ago. It is not an experiment but an accomplished result, with five years' successful working behind it. Reorganizations, new organizations, Election district plans, Assembly district plans, new enrolments and re-enrolments, are at best insufficient so long as human nature remains in its present imperfect state, and a code of ethics is permitted to exist in politics that would not be tolerated at the card-tables of gentlemen or in the counting-rooms of merchants calling themselves respectable. It is a curious fact that a business man, who would reject with scorn a dishonest proposition in his financial affairs, will wink and smile at a packed caucus or the devious devices of an ordinary convention. The eminently respectable corporation officials who vote ten thousand dollars to buy members of the Legislature smile and say it is Politics. An hour afterward they are intensely shocked at seeing one loafer make an end of another's life, equally as useless to the community as his own, but they fail to see that their crime is infinitely more dangerous to the Republic than the murderous onslaught on their brutal fellow-being. What is the meaning of it? Simply that there is a moral perversion about politics as there is among the Mohammedan subjects of Abdul Hamid, and because there is it is unsafe to entrust reform to the ordinary sense of justice among those who are immersed in practical politics and dependent on it for a living.

But what is the remedy? We must do exactly as the people of Kentucky have done. We must put the primary elections, the caucuses, and the conventions as completely under the law as are the general elections. This is the only solution of the question, and until this is done we shall have, as in New York, party enrolments one-half fraudulent, caucuses controlled by the worst elements of the party, candidates that are utterly unworthy of

the suffrage of their constituencies, public officers who thrive by blackmailing corporations, debauch public morals, shatter the wholesome youthful ideals of public life, present false standards of official action and disgrace the good name of the American people. Kentucky has been a synonym with many people for lawlessness and disorder, but it has furnished the most complete election code existing in the United States. Its law on this subject represents the joint effort of both political parties. As a piece of reform legislation it is a model in its way.

All primary elections there by the various political parties are held and conducted in the same form and manner and under the same requirements as are the regular State elections\*. Any act or deed denounced as an offence by the general laws of the State concerning elections is also an offence in all primary elections, and punished in the same form and manner as is provided for the punishment of similar offences by the general laws; and all the penalties and provisions of the general laws apply in such cases with equal force. The provisions are simple and easily comprehended. Whenever the governing authority of any political party desires to hold a primary election in Kentucky it must, forty days prior to such election, give public notice thereof by posting such notice at the Court House door and at least twenty other public places in the County or district. The notice must state the day of the proposed primary election, the hours between which it will be held, the offices for which candidates are to be nominated and the places at which polls will be open.†

The system of registration is perfect. All persons who are legal voters have a right to participate in the primaries, but in order that none but Republicans shall take part in Republican primaries and only Democrats vote at Democratic primaries, a system of registration is in force the salient points of which can best be given by quoting in substance the sixth section of the law. In all cities and towns of whatever class in which a registration law is in force under the provisions of the general law governing regular State elections, there must be set aside, on the regular registration books, space for the registration of all persons who may desire to take part in any primary election held by any political party. Such space must be provided on the

\* Sec. 7, Art. 12, Chap. 65, Kentucky Election Law.

† Sec. 4, Art. 12, Chap. 65, State Laws.

regular State registration books immediately following the last perpendicularly ruled column in such books and must be headed "Party Affiliation." It is the duty of the judges of such regular State registration to ask each person who applies to be registered the question: "With which political party do you desire to affiliate?" And the name of the political party given by the applicant is recorded in the column provided in the books of registration for that purpose. If the applicant does not desire to state his party affiliation or identify himself with its activities, he is not, of course, required to do so, nor does his failure in this respect act as a bar to his registration for voting at the general election. The lists thus made up of Democrats, Republicans, Independents, Socialists, Prohibitionists, and any other political creeds, are posted and allowed to be copied by any person authorized to do so by the governing authority of any political party. These lists constitute the basis of the various party organizations and remain as such throughout the year.

Tampering with the rolls thus made up is a serious matter.

"The person or persons who shall add any name or names to the list of names contained in such book or books or shall erase therefrom any name or names, or who shall otherwise mutilate such book or books, shall be guilty of a misdemeanor, and shall, upon an indictment and conviction in the Circuit Court, be fined not less than one hundred or more than five hundred dollars and be imprisoned in the county jail not less than sixty days or more than one year."

The same penalty applies to any party official who wilfully refuses to copy any name or names entitled to be so copied from the regular State registration book or books into the primary registration book or books. In the country districts where no registration is held all legal electors have the right to vote at any primary election if they conform to the conditions and qualifications prescribed by the committee or governing authority of the party to which they claim allegiance. This is sufficient, because as a rule the country caucus is fairly conducted.

The primary election inspectors are sworn in the same way as the inspectors of the general election, and any act or deed denounced by the general law as an offence in the case of officers of the regular State election is also an offence in the case of officers of such primary elections and punished accordingly. To tamper with the returns of the primary election is as bad in the eyes of the Kentucky law as tampering with the returns from a

State election. This is as it should be. The expenses of primary elections are paid for by the party organizations and the ballots are printed by order of the governing authority of the political parties. But they must be printed in accordance with the general law governing the printing of ballots in State elections. The penalties against election frauds are severe. To remove or attempt to remove a ballot from the election room, or to have in one's possession outside the election room any ballot either genuine or counterfeit during the election, is considered a felony punishable by imprisonment in the penitentiary for from two to five years. No electioneering is permitted within fifty feet of the polls and any one who attempts to vote without the right to do so is liable upon conviction to be fined from twenty to five hundred dollars and to be imprisoned for from ten days to six months or both. Any attempt at ballot marking is punishable by imprisonment for from two to five years, and false impersonation by a fine of two hundred dollars and six months in jail. Disobedience of the lawful command of an election officer is punishable by a fine of twenty-five to five hundred dollars, and any public officer who fails to perform his duty as prescribed by the election law is liable to a fine of fifty dollars and two months' imprisonment. Withholding a certificate of election or the returns of an election is punishable by a fine of one thousand dollars, forfeiture of office, and disqualification from ever holding public position. Bribery is fined by from five to five hundred dollars and exclusion from office and suffrage. And bribe or bribery means in Kentucky "any reward, benefit, or advantage, present or future, to the party influenced or intended to be influenced or another at his instance, or the promise of such reward, benefit, or advantage." To break up, or attempt to break up, a primary election, or interfere with any qualified voter's exercises of his right, involves a fine of fifty to five hundred dollars and also imprisonment for a year. Perjury at the polls is punishable by confinement in the penitentiary for from one to five years. As if all this were not sufficient, Section 26 provides that this chapter shall be "liberally construed," so as to prevent any evasion of its prohibitions or penalties by shift or device.

For five years this law has been in operation in Kentucky to the complete satisfaction of both parties. Mr.

William E. Riley, Secretary of the Republican State Committee, declares that it works "charmingly," and his opinion, I understand, is echoed by Governor Bradley and such well-known Democrats as Senator Blackburn, who was largely instrumental in formulating the statute, Secretary Carlisle and ex-Governor Buckner. It should be the law of every other State, and when it is American politics will enter upon a new, healthful era of existence. Election reform will be complete and the purification of politics accomplished, so far as such things can be done in this world of splendid failures. Under the Australian ballot law the voter has absolute freedom of choice at the general election ; when he has the same freedom in his party caucus or primary the end of bossism and machine rule will have come.

JOHN E. MILHOLLAND.